

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable David Herrera Urias

CASE NO. 22-cv-00267-DHU-DLM

DATE: 8/17/23

TITLE: *Christians in the Workplace Networking Group v. National Technology and Engineering Solutions of Sandia, LLC et al.*

COURTROOM CLERK: L. Hofstra

COURT REPORTER: C. McAlister

COURT IN SESSION: 10:08 AM – 11:30 AM; 11:51 AM – 1:34 PM TOTAL TIME: 3 HOURS, 5 MINUTES

TYPE OF PROCEEDING: HEARING ON THE FOLLOWING MOTIONS:

7 MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6),
74 MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT,
126 OPPOSED MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF'S DISCRIMINATION CLAIM,
125 MOTION FOR SUMMARY JUDGMENT OF COUNTS 2-7 OF PLAINTIFF'S AMENDED COMPLAINT,
124 MOTION FOR SUMMARY JUDGMENT BASED ON LACK OF AUTHORITY AND LACK OF CAPACITY,
122 MOTION TO EXCLUDE EXPERT REPORT.

COURT RULING:

74 MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT: THE COURT RESERVES RULING.

7 MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6): THE COURT GRANTS THE MOTION.

125 MOTION FOR SUMMARY JUDGMENT OF COUNTS 2-7 OF PLAINTIFF'S AMENDED COMPLAINT:
THE COURT GRANTS THE MOTION.

126 OPPOSED MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF'S DISCRIMINATION CLAIM: THE
COURT GRANTS THE MOTION.

ATTORNEYS PRESENT FOR PLAINTIFF(S): ATTORNEYS PRESENT FOR DEFENDANT(S):

J. Michael Considine, Jr.

Melissa Marie Kountz and Charles Vigil

PROCEEDINGS:

10:08 AM: COURT IN SESSION. THE PARTIES ENTER THEIR APPEARANCES.

THE COURT ADDRESSES THE PARTIES REGARDING THE ORDER OF MOTIONS TODAY. THE COURT WILL
BEGIN WITH DOCUMENT 74 MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT.

PLAINTIFF PRESENTS ARGUMENT REGARDING DOCUMENT 74 AND RESPONDS TO QUESTIONS FROM
THE COURT.

DEFENDANTS PRESENT ARGUMENT REGARDING DOCUMENT 74 AND RESPONDS TO QUESTIONS FROM THE COURT.

PLAINTIFF PRESENTS REPLY ARGUMENT.

DEFENDANTS PRESENT REBUTTAL ARGUMENT.

THE COURT RESERVES RULING ON DOCUMENT 74.

THE COURT TURNS TO DOCUMENT 7 MOTION TO DISMISS *PURSUANT TO FED. R. CIV. P. 12(B)(6)*.

DEFENDANTS PRESENT ARGUMENT REGARDING DOCUMENT 7 AND RESPONDS TO QUESTIONS FROM THE COURT.

PLAINTIFF PRESENTS ARGUMENT AND RESPONDS TO QUESTIONS FROM THE COURT.

PLAINTIFF REQUESTS TO MAKE ADDITIONAL ARGUMENT REGARDING THE PREVIOUS MOTION, DOCUMENT 74. THE COURT Allows HIS ARGUMENT. PLAINTIFF PRESENTS ARGUMENT AND THE COURT ADDRESSES HIS ARGUMENT.

THE COURT RETURNS TO DOCUMENT 7.

DEFENDANTS PRESENT ARGUMENT REGARDING DOCUMENT 7.

11:30 AM: COURT IN RECESS FOR 10 MINUTE BREAK.

11:51 AM: COURT BACK IN SESSION.

THE COURT RETURNS TO DOCUMENT 7. THE COURT QUESTIONS PLAINTIFF. PLAINTIFF RESPONDS.

THE COURT GRANTS DOCUMENT 7 AND STATES THE REASONS FOR ITS RULING.

THE COURT TURNS TO DOCUMENT 125 MOTION FOR SUMMARY JUDGMENT *OF COUNTS 2-7 OF PLAINTIFF'S AMENDED COMPLAINT*.

DEFENDANT PRESENTS ARGUMENT REGARDING DOCUMENT 125.

PLAINTIFF PRESENTS ARGUMENT AND RESPONDS TO QUESTIONS FROM THE COURT.

DEFENDANT PRESENTS ADDITIONAL ARGUMENT.

PLAINTIFF PRESENTS ADDITIONAL ARGUMENT.

THE COURT GRANTS DOCUMENT 125 MOTION FOR SUMMARY JUDGMENT *OF COUNTS 2-7 OF PLAINTIFF'S AMENDED COMPLAINT* AND STATES THE REASONS FOR ITS DECISION.

THE COURT TURNS TO DOCUMENT 126 OPPOSED MOTION FOR SUMMARY JUDGMENT *OF PLAINTIFF'S DISCRIMINATION CLAIM*.

DEFENDANT PRESENTS ARGUMENT REGARDING DOCUMENT 126.

PLAINTIFF PRESENTS ARGUMENT.

THE COURT GRANTS DOCUMENT 126 OPPOSED MOTION FOR SUMMARY JUDGMENT OF
PLAINTIFF'S DISCRIMINATION CLAIM AND STATES THE REASONS FOR ITS DECISION.

1:34 PM: COURT IN RECESS.